

**Hurand, Gates**

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**From:** Oakland, David W.  
**Sent:** Wednesday, May 23, 2018 1:52 PM  
**To:** Hurand, Gates; de Urioste, Alejandra; Tomer, K. Brent  
**Cc:** Giglio, Christopher  
**Subject:** FW: ECF Request ready for filing. PDF's attached

**From:** Patrick McDonnell [mailto:18.cv.00361@gmail.com]  
**Sent:** Wednesday, May 23, 2018 1:51 PM  
**To:** Oakland, David W.  
**Subject:** Re: ECF Request ready for filing. PDF's attached

That is correct David. TY

On Wed, May 23, 2018 at 1:45 PM, Oakland, David W. <[doakland@cftc.gov](mailto:doakland@cftc.gov)> wrote:  
Is this the letter you want filed with 4 attachments? Can you can save it as a PDF and send to us?

Sent from my BlackBerry 10 smartphone on the Verizon Wireless 4G LTE network.

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**From:** Patrick McDonnell  
**Sent:** Wednesday, May 23, 2018 12:56 PM  
**To:** Oakland, David W.  
**Cc:** de Urioste, Alejandra; Tomer, K. Brent; Hurand, Gates; Giglio, Christopher  
**Subject:** Re: ECF Request ready for filing. PDF's attached

Hi, This is my last ECF Request via CFTC. I am going to call clerk to find alternative route. TY

On Wed, May 23, 2018 at 12:52 PM, Patrick McDonnell <[18.cv.00361@gmail.com](mailto:18.cv.00361@gmail.com)> wrote:  
**PLEASE FILE ECF STYLED AS; RE: LETTER TO JUDGE WEINSTEIN - PLAINTIFF LEGAL MISCONDUCT**

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**Patrick McDonnell** <[18.cv.00361@gmail.com](mailto:18.cv.00361@gmail.com)> Wed, May 23, 2018 at 12:44 PM  
To: "Oakland, David W." <[doakland@cftc.gov](mailto:doakland@cftc.gov)>

David, Sorry please add the additional attachment to ECF filing as well for total 4 and this and above email. THAT IS WHERE THE MODIFICATION took place sir. It was his TAKE 3 where this misconduct occurred not prior. Also, please include this email in filing.



Virus-free. [www.avg.com](http://www.avg.com)

On Wed, May 23, 2018 at 12:29 PM, Patrick McDonnell <[18.cv.00361@gmail.com](mailto:18.cv.00361@gmail.com)> wrote:  
**RE: LETTER TO JUDGE WEINSTEIN - PLAINTIFF LEGAL MISCONDUCT**

Hi David, please file this ECF with the Court clerk and it's 3 attachments they will be expecting it. Gates has done some bad filings sir please do not follow suit. It's one thing being a team player another going rouge of Federal law. TY. Patrick

**Message To:** Gates S. Hurand,

Why have you deleted the word "**FAMILY**" from my ORIGINAL version of Docket #91, WHICH continued to #92, WHICH continued to #93 sent for ECF filing? I missed that in your 3 filings and proof for #93 but just caught it, why? *Why delete the word "FAMILY"?*

Please HAVE DAVID NOT YOURSELF file this ECF with the court STYLED AS; LETTER TO JUDGE WEINSTEIN - PLAINTIFF LEGAL MISCONDUCT, you are "MODIFYING" outside other things Defendant ECF filings with the court clearly violating due process laws AND OTHERS through malpractice of your legal craft for his looking over of this matter.

***YOUR ILLEGAL EDITING/MODIFICATION OF DEFENDANT WORDING BELOW;***

***"RESPECTFULLY SAID, FOR THE COURT TO ALLOW PLAINTIFF TO CONTINUE DISCOVERY BY DECEPTION IMPOSING ILLEGAL HARASSMENT ON DEFENDANT IS A MISCARRIAGE OF JUSTICE ABSENT A CLEAR DEFINITION OF STATUTORY LAW AND JURISDICTION. [CASE SHOULD BE STAYED.]"***

It is clearly worded "FAMILY" in my TIME-STAMPED/FRAMED "ORIGINAL" ECF Request via email below;

**Hi Gates, Please file this ECF too getting ready to call Clerks now. TY, Patrick - DEFENDANT  
RE: REPLY TO DOCKET #88; REQUEST FOR IMMEDIATE EMERGENCY RELIEF OF  
COURT; JUDICIAL STATUTORY INTERPRETATION OF CEA NEEDED**

Patrick McDonnell <[18.cv.00361@gmail.com](mailto:18.cv.00361@gmail.com)>

Wed, May 23, 2018 at 9:56 AM

To: "Hurand, Gates" <[ghurand@cftc.gov](mailto:ghurand@cftc.gov)>

Cc: "de Urioste, Alejandra" <[ADeUrioste@cftc.gov](mailto:ADeUrioste@cftc.gov)>, "Oakland, David W." <[doakland@cftc.gov](mailto:doakland@cftc.gov)>, "Tomer, K. Brent" <[KTomer@cftc.gov](mailto:KTomer@cftc.gov)>, "Giglio, Christopher" <[CGiglio@cftc.gov](mailto:CGiglio@cftc.gov)>

UNITED STATES DISTRICT COURT

EASTERN DISTRICT OF NEW YORK

COMMODITY FUTURES TRADING

COMMISSION,

Plaintiff,

Case No. 18-CV-00361 (JBW) (RLM)

v.

**DEFENDANT REPLY TO DOCKET #88; REQUEST**

**FOR IMMEDIATE EMERGENCY RELIEF OF COURT;**

**JUDICIAL STATUTORY INTERPRETATION OF CEA NEEDED**

PATRICK K. MCDONNELL,

and CABBAGETECH, CORP. d/b/a COIN

DROP MARKETS,

Defendants.

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VIA ECF

The Honorable Jack B. Weinstein  
United States District Judge  
United States District Court for the  
Eastern District of New York  
[225 Cadman Plaza East](#)  
[Brooklyn, New York 11201](#)

Dear Judge Weinstein:

I am a Defendant in the above referenced matter writing you concerning **Docket #88 - SCHEDULING ORDER** re 7/9/2018 Evidentiary Hearing. *At this date the court will hear defendant's motion for reconsideration of the court's order denying his motion to dismiss. Ordered by Judge Jack B. Weinstein on 5/21/2018.* Your Honor, I am extremely blessed and grateful of the court's decision to allow me reconsideration in hearing my motion to dismiss on July 9, 2018. *However*, the date of said reconsideration concerns me as Plaintiff complaint should be dismissed *forthwith* according to Fed. R. Civ. P. Rule 12 (h)(3). Defendant respectfully requests a hearing date on motion to dismiss prior July 09, 2018 as it is of emergency nature to Defendant due process rights being violated under Plaintiff charges without claim and incorrect jurisdiction, Your Honor. *With all due respect to the Court*, I have never been afforded the complete opportunity to plead my first motion to dismiss at March 06, 2018 hearing verifiable in court minutes. I was asked a question of whether Bitcoin was a commodity which was the topic at hand and it was dismissed with no true opportunity to argue my points. *With that said*, I was civil law illiterate as the court had understood with no idea of 'how' or 'what' to argue being a paid attorney was out of my budget, *still is*, I am representing myself Pro Se in an effort to receive fair and unbiased due process throughout all of this at times seems to no avail. I feel my civil rights have been ignored/violated many times unjustly while Plaintiff is afforded false jurisdictional powers over a claim they should not be afforded by written law/statute quoted in previous filings on behalf of Defendant. *Defendant declares that the court has acted appropriately in regards to extensive background research in regards to Bitcoin being defined as a commodity, yet, as the court has stated:*

**JACK B. WEINSTEIN, Senior United States District Judge [March 06, 2018] MEMORANDUM & ORDER;** *"In deciding jurisdictional, standing and other issues fundamental to the present litigation, the court has engaged in extensive background research, but not on the specific fraud charged. This is appropriate and Defendant concurs. However, "the specific fraud charged jurisdiction is undoubtedly incorrect and in question."*

*The primary issue raised in the beginning of this case were whether the Plaintiff had standing to sue Defendants' in 'theory' that they have violated the CEA which they did not as noted in Defendant Letters/Motion to the court respectively. Presented are two questions to determine the Plaintiff's standing:*

1. ***Whether virtual currency may be regulated by the Plaintiff as a commodity?*** The answer is

YES without Defendant disputing such fact.

**2. Whether the amendments to the CEA under the Dodd-Frank Act permit the Plaintiff to exercise jurisdiction over fraud that does not directly involve the sale of futures or derivative contracts?** The answer is NO with Defendant disputing such fact.

Defendant respectfully moves the court to engage in extensive background research on Plaintiff **"specific fraud charges"** filed against Defendant [Docket #1] in an effort to interpret and apply statutory jurisdiction language/law properly vs. speculate on Plaintiff theories. Defendant declares this an emergency being improperly charged. Defendant has been forced to file Chapter 7; Personal Bankruptcy, Lost his wife of 26 years, The respect of his children, family, and friends, Suffers a tarnished business reputation via online slaughter of his name rendering him unemployable, financially and physically destitute due to Plaintiff fabricated complaint improperly imposed.

*Defendant seeks;* **EMERGENCY RELIEF OF THE COURT FOR JUDICIAL STATUTORY INTERPRETATION OF CEA LAW FORTHWITH AS ANYTHING OTHER WOULD FURTHER VIOLATE DEFENDANT CIVIL/DUE PROCESS RIGHTS AFFORDED UNDER THIS COURT AND FEDERAL LAW. DEFENDANT/FAMILY CIVIL [POSSIBLY CONSTITUTIONAL ?] RIGHTS ARE BEING VIOLATED DAILY BY PLAINTIFF VIA DISCOVERY THAT SHOULD BE STAYED UNTIL RESOLUTION OF GOVERNING STATUTES IS CLARIFIED BY THIS COURT. PLAINTIFF HAS BEEN CORRECTED BY THIS COURT ON RECORD FOR ACTING UNDER GUISE AND GOING OUT OF THE SCOPE OF A COURT ORDER WHILE MISLEADING AND MISREPRESENTING SAID ORDER INACCURATELY TO DEFENDANT IN AN EFFORT TO GAIN DISCOVERY ILLEGALLY. [CHIEF JUDGE MAGISTRATE JUDGE MANN] PLAINTIFF CONTINUES TO GO OUTSIDE THE LIMITS OF DISCOVERY AS NOTED IN DEFENDANT LETTERS [Docket(s) #84, #85] TO JUDGE MANN. RESPECTFULLY SAID, FOR THE COURT TO ALLOW PLAINTIFF TO CONTINUE DISCOVERY BY DECEPTION IMPOSING ILLEGAL HARASSMENT ON DEFENDANT/FAMILY IS A MISCARRIAGE OF JUSTICE ABSENT A CLEAR DEFINITION OF STATUTORY LAW AND JURISDICTION. [CASE SHOULD BE STAYED.]**  
*Id.* quoting "If the Court determines at any time that it lacks subject-matter jurisdiction, the Court must dismiss the action." at Fed. R. Civ. P. Rule 12 (h)(3).

*Defendant prays for immediate emergency relief of the Court as judicial statutory interpretation of the CEA is merited for any type of due process to occur.*

May 23, 2018

/s/ Patrick K. McDonnell

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Defendant/Pro Se

Prepared By: Patrick K. McDonnell "Pro Se"  
20 Rawson Place, Staten Island, NY 10314  
Telephone: (718) 524-6312 Email: [cdm@gmx.us](mailto:cdm@gmx.us)

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